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13
14 **UNITED STATES DISTRICT COURT**
15
16 **DISTRICT OF NEVADA**

17 FRANK LOUIS MOJICA, individually;
18 ROSE AMELIA GONZALEZ DE
19 MOJICA, individually,
20 Plaintiff(s)

21 vs.
22
23 GEICO ADVANTAGE INSURANCE
24 COMPANY; DOES I through X; and ROE
25 CORPORATIONS XI through XX,
26 inclusive,

27 **CASE NO.: 2:18-cv-00164-RFB-GWF**

28 **STIPULATION AND ORDER
REGARDING AMOUNT IN
CONTROVERSY AND REMAND TO
STATE COURT**

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17 It is hereby stipulated by and between Plaintiffs FRANK LOUIS MOJICA and ROSE
18 AMELIA GONZALEZ DE MOJICA, through their attorneys, EDWARD BERNSTEIN &
19 ASSOCIATES, and GEICO ADVANTAGE INSURANCE COMPANY, through its attorneys,
20 ATKIN WINNER & SHERROD, that each Plaintiff does not now seek, and will not seek in the
21 future, damages in excess of Seventy Four Thousand Nine Hundred Ninety Nine Dollars and
22 Ninety Nine Cents (\$74,999.99) by way of their Complaint for all causes of action in this matter,
23 inclusive of attorney's fees, costs and interest, if any be allowed.

24 It is further stipulated that since the amount in controversy is less than \$75,000.00, for
25 each Plaintiff, inclusive of attorney's fees, costs and interest, the United States District Court for
26 the District of Nevada lacks an element of jurisdiction required by 28 U.S.C. § 1332(a).

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1 It is further stipulated that this case may be remanded to the Eighth Judicial District
2 Court, Clark County, Nevada, based on this agreement as to the amount in controversy, and that
3 each party shall pay its own attorney's fees and costs associated with the removal and remand.

4 Dated this 27th day of February, 2018

Dated this 27th day of February, 2018

5 ATKIN WINNER & SHERROD

EDWARD BERNSTEIN & ASSOCIATES

6 /s/Lara L. Miller
7 THOMAS E. WINNER
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10 Attorneys for GEICO

6 /s/Brian E. Lunt
7 BRIAN E. LUNT
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500 South Fourth Street
8 Las Vegas, Nevada 89101
9 Attorneys for the Plaintiffs

11 **ORDER**

12 IT IS HEREBY ORDERED that each Plaintiff's total recovery against Defendant GEICO
13 Advantage Insurance Company by way of the Complaint in this matter shall not exceed
14 \$74,999.99 for all causes of action, inclusive of attorney's fees, costs and interest, if any;

15 Therefore, THIS COURT FINDS that the amount in controversy does not exceed
16 \$75,000.00 for each Plaintiff, which is the minimum threshold for federal district court
17 jurisdiction per 28 U.S.C. § 1332(a); and

18 IT IS FURTHER ORDERED that this matter is REMANDED to the Eighth Judicial
19 District Court, Clark County, Nevada, by authority of 28 U.S.C. § 1447, each party to pay its
20 own attorney's fees and costs of suit associated with the removal and remand.

21 DATED March 12, 2018.



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23 RICHARD F. BOULWARE, II
24 United States District Court
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